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INTERNATIONAL ARMS TRANSFERS, WITH PARTICULAR REFERENCE TO RESOLUTION 46/36 H OF 6 DECEMBER 1991

Outline of the sensitive and military equipment control regime of the Argentine Republic

Working paper submitted by Argentina

The Permanent Mission of the Argentine Republic to the United Nations submits the present information paper as a contribution to Working Group II of the Commission, on international arms transfers with special reference to resolution 46/36 H.

I. INTRODUCTION

Argentina pursues a clear and committed policy with respect to non-proliferation and the control of arms transfers, and participates in and promotes the operation of systems and regimes agreed upon multilaterally, regionally or subregionally or instituted by unilateral decisions that establish controls to prevent illicit arms transfers, given the destabilizing effects of such transfers, which constitute a threat to international peace and security.

In the multilateral context of support for transparency in armaments, Argentina annually submits to the Secretary-General data on conventional arms transfers (the United Nations Register of Conventional Arms) and on military expenditures, in conformity with General Assembly resolutions 46/36 L and 40/91 B respectively. In addition, as a confidence-building measure, Argentina has since 1994 been transmitting the above-mentioned data in advance or simultaneously to Brazil, Chile and the Organization of American States.

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Internally, the Argentine Republic has, under Decree 603/92 of 9 April 1992, instituted strict control over the sale abroad of certain nuclear and missile supplies, equipment, technology, technical assistance and services, as well as of chemicals that can be used in the production and deployment of missiles or nuclear, chemical or bacteriological weapons.

Under the regulations in force, prior authorization for the exports covered by the Decree is required. Requests are analysed on a case-by-case basis, and decisions on them are taken in the light of Argentina's firm commitment to non-proliferation, of international circumstances (the individual and regional framework, etc.) and of the specific terms established for each individual case.

Argentina coordinates with other States its policy regarding exports that could contribute to the production of weapons of mass destruction, with a view to strengthening an effective international system in this field.

II. LEGISLATION IN FORCE

The Argentine regime for the control of sensitive exports and military equipment is regulated by the provisions of Decree No. 603 of 9 April 1992 and the amendments thereto, establishing the National Commission for the Control of Sensitive Exports and Military Equipment. The Commission consists of the Ministers of Defence, of Foreign Affairs, International Trade and Worship, and of the Economy and Public Works and Services, and an official of the respective technical body:

(a) The National Nuclear Regulatory Body (ENREN) in relation to nuclear exports;

(b) The National Commission for Space Activities (CONAE) in relation to exports of missile technology;

(c) The Scientific and Technological Research Institute of the Armed Forces (CITEFA) in relation to exports of chemicals and bacteriological substances.

The Decree incorporates the list of products and criteria recommended in the Missile Technology Control Regime (MTCR) and covers sales abroad, re-exports or transfers of materials, equipment, technology, technical assistance and/or services. Substances which could be used for the production of chemical or bacteriological weapons and chemical and bacteriological equipment are also controlled.

III. MECHANISMS FOR APPLICATION OF DECREE NO. 603/92 AND ITS AMENDMENTS

(1) Exporters are required to submit a request for the export of sensitive material to the Executive Secretariat of the Commission, which is in the General Directorate of Business Coordination and International Relations of the Ministry of Defence.

(2) Once the request for export of sensitive material is received, the Executive Secretariat of the Commission passes it on to the relevant technical body for an opinion.

(3) Once the technical opinion is received, the request is studied by the Commission, made up of the directors representing the three ministries.

(4) If the export of sensitive material is approved, the Commission signs the relevant prior authorization for export and delivers it to the exporter for presentation to the National Customs Administration, to which a copy of the authorization issued is also transmitted.

(5) In the case of military equipment and supplies, the Commission, before authorizing exportation, calls for an end-user certificate indicating the final destination of the exported material and certifying that it will not be re-exported without the authorization of the competent Argentine authorities. This certificate is required to contain certification by the Ministry of Defence or competent authority of the country issuing it giving information on the purchaser and end user of the military equipment and supplies sold and providing details thereof, and must be accompanied by all necessary documentation providing reliable evidence of the transaction.

(6) In the event of disagreement between the members of the Commission regarding the decision to be taken with respect to a request for a prior authorization for export, the issue must be referred to the Secretaries of Military Affairs, External Relations and Latin American Affairs, and Trade and Industry, who are required to rule on the matter. So far, this has not been necessary.

(7) The Commission holds periodic meetings with the National Customs Administration for purposes of coordinating customs nomenclature and harmonizing the data required in order to facilitate export operations without neglecting the application of the regulations in force.

The legislation is periodically reviewed with a view to making the necessary adjustments to ensure effective operation of the control system.